

1
2
3 BILL NO. X-76-08-09.

4 ANNEXATION ORDINANCE NO. X- 01-76

5 AN ORDINANCE annexing certain territory
6 the City of Fort Wayne, and including
7 the same in Councilmanic District
No. 3.

8 WHEREAS, the City of Fort Wayne is desirous of annexing
the territory described within:

9 NOW THEREFORE, BE IT ORDAINED by the Common Council of
10 the City of Fort Wayne, Indiana:

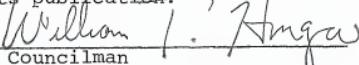
11 SECTION 1. That the following described territory is
12 hereby annexed and made part of the corporation of the City
13 of Fort Wayne, Indiana, and shall be and is hereby, considered
a part of said City to-wit:

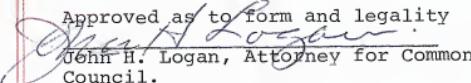
14 Being part of Sections 12 and 13, Township
15 31 North, Range 12 East, more particularly
16 described as follows:

17 Beginning at the intersection of the east
18 right-of-way line of State Road 327, more
19 commonly known as Coldwater Road and the
20 South right-of-way line of Cook Road; Said
21 point being the corporate limits of the City
22 of Fort Wayne as established by General
23 Ordinance G-106-67, an ordinance redefining
24 the corporate limits of the City of Fort
25 Wayne, Indiana; thence, East along the south
right-of-way line of Cook Road to the North-
west corner of Lot D in A.F. Smith's Sub-
division of the N.E. 1/4, N.W. 1/4, Section
13, Washington Township; thence, due North
along the extended West property line of Lot
D in A.F. Smith's Subdivision to the inter-
section of the North right-of-way line of
Cook Road; thence, West along the North right-
of-way line of Cook Road to the intersection
of the East right-of-way line of State Road
327; (Coldwater Road); thence, South along
the extended East right-of-way line of State
Road 327, (Coldwater Road) to its' intersec-
tion with the South right-of-way of Cook Road,
the place of beginning.

26 SECTION 2. Said Annexed territory shall be part of
27 Councilmanic District No. 3 of the City of Fort Wayne,
28 Indiana, as described in Section 2-9 of Article II of
29 The Code of the City of Fort Wayne, Indiana of 1974.

30 SECTION 3. This Ordinance shall be in full force and
31 effect from and after its passage, approval by the Mayor
and sixty (60) days after its publication.

32 
33 Councilman

34 Approved as to form and legality
35 
John H. Logan, Attorney for Common
Council.

Read the first time in full and on motion by Hinga, seconded by
Talarico, and duly adopted, read the second time by title and referred
to the Committee on Annnexation (and the City Plan Commission for
recommendation) and Public Hearing to be held after due legal notice, at the Council
Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day
of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 8-10-76.

Charles W. Blasterman
CITY CLERK

Read the third time in full and on motion by Hinga,
seconded by Talarico, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>			
<u>BURNS</u>	<u>X</u>				
<u>HINGA</u>	<u>X</u>				
<u>HUNTER</u>	<u>X</u>				
<u>MOSES</u>	<u>X</u>				
<u>NUCKOLS</u>	<u>X</u>				
<u>SCHMIDT, D.</u>	<u>X</u>				
<u>SCHIMDT, V.</u>	<u>X</u>				
<u>STIER</u>	<u>X</u>				
<u>TALARICO</u>	<u>X</u>				

DATE: 8/24/76

Charles W. Blasterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)
ORDINANCE (RESOLUTION) No. X-01-76 on the 24th day of August, 1976.
ATTEST: (SEAL)

Charles W. Blasterman
CITY CLERK

James J. Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th
day of August, 1976, at the hour of 10:30 o'clock A M., E.S.T.

Charles W. Blasterman
CITY CLERK

Approved and signed by me this 3rd day of September, 1976,
at the hour of 9:00 o'clock A M., E.S.T.

Robert E. Armstrong
MAYOR

Bill No. X-76-08-09

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance Annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 3

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Do PASS.

William T. Hinga - Chairman

William T. Hinga

Vivian G. Schmidt - Vice-Chairman

Vivian G. Schmidt

Paul M. Burns

Paul M. Burns

Fredrick R. Hunter

Fredrick R. Hunter

Samuel J. Talarico

Samuel J. Talarico



FORT WAYNE, INDIANA 46802
office of the mayor

September 3, 1976

To the Members of the Common Council

Gentlemen and Mrs. Schmidt:

Annexation Ordinance No. X-01-76, an Ordinance annexing certain territory in Councilmanic District No. 3, was presented to me on August 25 for approval.

The area which would be annexed is the right-of-way area of the Cook Road. The purpose of annexation is to permit the City to build sidewalks for the use of school children attending Lincoln and Shawnee schools.

To provide for the safety of these children going to and from school has been uppermost in my mind ever since assuming the Office of Mayor. To this end, I have charged my legal staff with researching the laws to see if there is a way in which the City of Fort Wayne could install these walks.

The legal staff has informed me that "A city shall have the power to establish, construct, maintain, control and operate public and municipal facilities, within a distance of four miles from its corporate limits." Several other statutes also appear to make it possible for the Board of Works of the City of Fort Wayne to install the sidewalks on Cook Road.

The legal staff also has pointed out that the legal description contained in the annexation ordinance and the map which is also in the ordinance are ambiguous. Also, this "spot zoning" does not meet the requirements for annexation as set forth in the Cities and Towns Act of 1969 and it quite possibly could be declared invalid in a court of law.



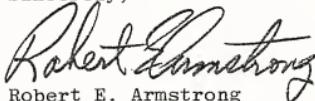
To the Members of the Common Council
Page 2
September 3, 1976

The property owners have evidenced their willingness to participate in costs of construction by contributing and soliciting others to contribute to the fund which has been established to aid in this effort. Therefore, I have instructed the Board of Public Works to have our Engineering Department prepare specifications and to advertise to take bids so a contract may be let immediately for construction of a sidewalk on the south side of Cook Road, from Coldwater Road to the aforementioned schools. The City will pay the difference between the amount collected for this purpose and actual construction costs.

The Ordinance, if legal, does not take effect until 60 days after its publication. Doubting the legality and certainly understanding that it is superfluous in the construction of these sidewalks, I am returning this document to you signed so that in no way will I impede this important project.

I leave the determination of the legality to the courts. In the meantime, I have the satisfaction of knowing that sidewalks for the safety of these children will be a reality in the very near future.

Sincerely,



Robert E. Armstrong
Mayor

REA:p1

Admn. Appr.

X-76-08-09

~~X-76-08-09~~

DIGEST SHEET

TITLE OF ORDINANCE An Ordinance annexing certain territory the City of Fort Wayne, and including the same in Councilmanic District No. 3

DEPARTMENT REQUESTING ORDINANCE Councilman, William G. Hinga

SYNOPSIS OF ORDINANCE Allows for annexation of Cook Road from

U.S. Highway 3rd to Lot "D" A.F. Smith's Subdivision.

EFFECT OF PASSAGE Ability to make improvements in road right-of-way.

EFFECT OF NON-PASSAGE non ability to make improvements.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) none

ASSIGNED TO COMMITTEE (PRESIDENT) Annexation Committee



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

September 7, 1976

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of September 10 and September 17, 1976, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana:

Bill No. X-76-08-09
Annexation Ordinance No. X-01-76

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

Common Council of Fort Wayne
(Governmental Unit)

To. THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) _____
— number of equivalent lines _____

Head number of lines _____ 1

Body number of lines _____ 118

Tail number of lines _____ 2

Total number of lines in notice _____ 121

COMPUTATION OF CHARGES

LEGAL NOTICE

Notice is hereby given that on the 24th day of August, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Ordinance No. 17-08-09 X-01-76 Annexing Ordinance with:

BILL NO. X-76-08-09

ANNEXACTION ORDINANCE

AN ORDINANCE annexing certain territory to the City of Fort Wayne, Indiana, including the same in the Councilmanic District No. 3.

WHEREAS, the City of Fort Wayne is desirous of annexing the territory described within:

NORTHWEST CORNER BE IT OR-

DAINED WHEREBY the Common Council of the City of Fort Wayne, Indiana:

SECTION 1. All that certain land described territory, is hereby annexed and made part of the corporation of the City of Fort Wayne, Indiana, which shall be and is hereby, considered a part of said City to-wit:

Being the Northwest corner of Township 31 North, Range 12 East, more particularly described as follows: Beginning at the point where the east right-of-way line of State Road 327, more commonly known as Colswater Road, intersects the west-right-of-way line of Cook Road; Said point being the corporate limits of the City of Fort Wayne, Indiana, as defined by General Ordinance G-16-67, an ordinance redefining the corporate limits of the City of Fort Wayne, Indiana, from the West along the south right-of-way corner of Cook Road to the Northwest corner of Lot D in Section 13, Township 31 North, Range 12 East, of the N.E. 1/4, N.W. 1/4, Section 13, Warren Township; thence, due North along the south right-of-way line of Lot D, to the intersection of the North right-of-way line of Cook Road, thence West along the North right-of-way line of Cook Road to the intersection of the East right-of-way line of State Road 327, (Colswater Road); thence South along the extended East right-of-way line of State Road 327, (Colswater Road) to its intersection with the East right-of-way of Cook Road, the place of beginning.

SECTION 2. Said Annexed Territory shall be included in the Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article 1 of the Charter of the City of Fort Wayne, Indiana of 1972.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and sixty (60) days after its publication.

WILLIAM T. GERKEN,
Councilman

Read the third time and on motion by Hiltig, seconded by Gerken, and duly adopted, placed on its passage. PASSED AS FOLLOWS:

Ayes: Nine
Dwight, Hiltig, Hunter, Moses, Huck-
oel, D. Schmidt, V. Schmidt, Shier,
Talarico, Young

Nay: None

Date: 8-25-76

CH COPY OF
SEGMENT HERE

Charles W. Westerman
City Clerk
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1976, at the hour of 10:30 o'clock A.M., E.S.T.

Ch. W. Westerman
City Clerk
Approved and signed by me this 3rd day of September, 1976, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of the Annexation Ordinance X-01-76 passed by the Common Council on the 24th day of August, 1976, and that this copy was certified and approved by the Mayor on the 3rd day of September, 1976, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 3rd day of September, 1976.

CHARLES W. WESTERMAN
CITY CLERK

lines, 1 columns wide equals 121 equivalent lines at .25¢ per line

\$.31 .34

Final charge for notices containing rule or tabular work (50 per cent of above) _____

for extra proofs of publication (50 cents for each proof in excess of two) _____

\$ 1.50

\$ 32.84

TOTAL AMOUNT OF CLAIM

UTING COST

9.9
of single column Items

Size of type $\frac{5}{12}$ point

of insertions 2

Size of quad upon which type is cast $\frac{5}{12}$

revision and penalties of Ch. 89, Acts 1967,

at the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just parts of the same has been paid.

V.E. Gerken

Title. CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } as:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK

NEWS-SENTINEL

a. DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

9/10-17/76

V.E. Gerken

Subscribed and sworn to before me this 17th day of September 1976.

Harry V.O.

Notary Public

My commission expires September 28, 1979



Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head	number of lines	1
Body	number of lines	<u>118</u>
Tail	number of lines	2
Total number of lines in notice		<u>121</u>

COMPUTATION OF CHARGES

<u>121</u> lines, 1 columns wide equals <u>121</u> equivalent lines at <u>.2594</u>	<u>.37 .34</u>
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	

DATA FOR COMPUTING COST

Width of single column <u>9.9</u> inches	Size of type <u>5½</u> point
Number of insertions <u>2</u>	Size of quad upon which type is cast <u>5½</u>

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V.E. Gerken

Date September 17, 1976

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL newspaper of general circulation printed and published in the English language in the city FORT WAYNE, INDIANA town of Fort Wayne, in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time^s, the dates of publication being as follows:

9/10-17/76*V.E. Gerken*Subscribed and sworn to before me this 17th day of September, 1976

Notary Public

My commission expires September 28, 1979A COPY OF
MENT HERE

mployees



Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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— number of equivalent lines

Head number of lines 1Body number of lines 118Tail number of lines 2Total number of lines in notice 121

HARGES

lines, 1 columns wide equals 121 equivalent lines at .25¢
cents per line \$.31.34

al charge for notices containing rule or tabular work (50 per cent of above)

or extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM

\$ 32.84

TING COST

89.9
single column xx ems
Size of type 5 $\frac{1}{2}$ point
of insertions 2
Size of quad upon which type is cast 5 $\frac{1}{2}$

ision and penalties of Ch. 89, Acts 1967.

the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just art of the same has been paid.

Arvilla DeWald
Title: CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD, who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, S, the dates of publication being as follows:

9/10-17/76

Arvilla DeWald
Subscribed and sworn to before me this 17th day of September 1976
Notary Public

My commission expires September 28, 1979COPY OF
MENT HERE

Read the third time in open court and on motion by Hings, seconded by Talarico and duly adopted, placed on its passage PASSED by the following vote:

Ayes: Nine

Burns, Hings, Hunter, Moses, Nuckles,

D. Schmidt, V. Schmidt, Stier,

Talarico, Williams.

Nays: None

Date: 8-25-76

Charles W. Westerman
Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexing Ordinance No. X-01-76 on the 24th day of August, 1976.

ATTEST:
Charles W. Westerman
City Clerk

James S. Stier
President of the Common Council
Presented by me to the Clerk of the City of Fort Wayne, Indiana, on the 25th day of August, 1976, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman
Clerk

Approved and signed by me the 3rd day of September, 1976, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify, that the above and foregoing is a full, true and complete copy of the Annexing Ordinance No. X-01-76 passed by the Common Council on the 24th day of August, 1976, and that the Ordinance was duly signed and approved by the Clerk on the 3rd day of September, 1976, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 3rd day of September, 1976.
CHARLES W. WESTERMAN
CITY CLERK

Common Council of Fort Wayne
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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— number of equivalent lines

Head number of lines 1

Body number of lines 118

Tail number of lines 2

Total number of lines in notice 121

COMPUTATION OF CHARGES

121 lines, 1 columns wide equals 121 equivalent lines at .259¢ cents per line .31.34

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM 32.84

DATA FOR COMPUTING COST

121 Width of single column 11 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

17
Date September 26, 1976

Title _____ CLERK

Arville DeWald

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLE DEWALD who, being duly sworn, says that she is _____ of the

JOURNAL-GAZETTE

a. DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

9/10-17/76

Arville DeWald

Subscribed and sworn to before me this 17th day of September 1976

Harry V.O.S.
Notary Public

My commission expires September 28, 1979

